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Prepared By _____

Approved By _____

An act to amend Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, relating to developmental services, and declaring the urgency thereof, to take effect immediately.

DRAFT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, as amended by Section 16 of Chapter 9 of the Statutes of 2011, is amended to read:

Sec. 10. (a) Notwithstanding any other provision of law, in order to implement changes in the level of funding for regional center purchase of services, regional centers shall reduce payments for services and supports provided pursuant to Title 14 (commencing with Section 95000) of the Government Code and Division 4.1 (commencing with Section 4400) and Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code. From February 1, 2009, to June 30, 2010, inclusive, regional centers shall reduce all payments for these services and supports paid from purchase of services funds for services delivered on or after February 1, 2009, by 3 percent, and from July 1, 2010, to June 30, 2012, inclusive, by 4.25 percent, unless the regional center demonstrates that a nonreduced payment is necessary to protect the health and safety of the individual for whom the services and supports are proposed to be purchased, and the State Department of Developmental Services has granted prior written approval.

(b) Regional centers shall not reduce payments pursuant to subdivision (a) for the following:

(1) Supported employment services with rates set by Section 4860 of the Welfare and Institutions Code.

(2) Services with “usual and customary” rates established pursuant to Section 57210 of Title 17 of the California Code of Regulations, except as provided in subdivision (c).

(3) Payments to offset reductions in Supplemental Security Income/State Supplementary Payment (SSI/SSP) benefits for consumers receiving supported and independent living services.

(c) The exemption provided for in paragraph (2) of subdivision (b) shall not apply to payments for any of the following services:

(1) Crisis and behavioral services provided by a nationally certified or state-licensed professional, consistent with the professional’s scope of practice, as set forth in the Business and Professions Code.

(2) Services of group practices providing behavioral intervention.

(3) Parent-coordinator home-based behavioral intervention for children with autism.

(4) Individual or family training.

(5) Registered nurse services.

(6) Therapy services, including physical, speech, occupational, recreational, and music therapy.

(7) Audiology services.

(8) Independent living specialist services.

(9) Translator and interpreter services.

(10) Mobility training, socialization training, or community integration training services.

(11) Community activities support, program support, or parenting support services.

(12) Personal assistance services.

(13) Tutoring services.

(14) Creative arts services.

(15) Early start specialized therapeutic services.

(e)

(d) Notwithstanding any other provision of law, in order to implement changes in the level of funding appropriated for regional centers, the department shall amend regional center contracts to adjust regional center budgets accordingly for the 2008–09 fiscal year through the 2011–12 fiscal year. The contract amendments and budget adjustments shall be exempt from the provisions of Article 1 (commencing with Section 4620) of Chapter 5 of Division 4.5 of the Welfare and Institutions Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make changes necessary to implement the Budget Act 2011, it is necessary for this act to take effect immediately.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Regional centers: vendors: rates.

Under existing law, the State Department of Developmental Services contracts with regional centers to provide services and supports to persons with developmental disabilities. Under existing law, the regional center may, among other methods, purchase services or supports for a consumer from any individual or agency that the regional center and consumer, or his or her parents, legal guardian, conservator, or authorized representatives, determines will best accomplish all or part of the consumer's individual program plan. Existing law requires regional centers to reduce payments for specified services and supports by 3% from February 1, 2009, to June 30, 2010, inclusive, and by 4.25% from July 1, 2010, to June 30, 2012, inclusive, unless the regional center demonstrates that a nonreduced payment is necessary to protect the health and safety of the individual for whom the services and supports are proposed to be purchased,

and the State Department of Developmental Services has granted prior written approval. Existing law excepts from this rate reduction services with usual and customary rates, pursuant to a specified regulation.

This bill would exclude payment for designated services with usual and customary rates from the exception to the above-described rate reduction, thereby making rates for the designated services subject to that reduction.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.